

REMARKS

The Office Action mailed December 11, 2007 has been reviewed and carefully considered. No new matter has been added.

Claims 1-17 are pending.

Claims 1-17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,449,251 to Awadallah et al. (hereinafter “Awadallah”) in view of U.S. Patent No. 5,524,253 to Pham et al. (hereinafter “Pham”). The rejection is respectfully traversed.

It is to be noted that Claims 1, 10, and 11 are the independent claims currently pending in the instant application.

It is respectfully asserted herein that Claims 1, 10, and 11, and all of the claims that depend there from, are patentable and non-obvious over the cited references for at least three reasons as set forth herein. First, it is respectfully asserted that the rejection is deficient on its face, as the Examiner has not equated every element of the claims to a corresponding reference, as is required for a proper rejection under 35 U.S.C. 103(a). Second, it is respectfully asserted that none of the cited references, either taken singly or in combination, teach or suggest all of the recited limitations of Claims 1, 10, and 11. Third, it is respectfully asserted that even assuming arguendo that all of the recited limitations are taught, the rejection must be withdrawn because a combination of Awadallah and Pham to obtain the inventions of Claims 1, 10, and 11 results in a change in the principle of operation of any of Awadallah and Pham, which is a prohibition against a reference being used against a pending claim as provided in MPEP §2143.01.

With respect to the first assertion made above (i.e., the rejection is deficient on its face), the Applicants respectfully asserts that the Examiner has NOT addressed ALL the limitations of Claims 1 and 10 in his rejection of the pending independent claims with respect to equating claim limitations to (corresponding portions of) a reference.

For example, in the pending Office Action, the Examiner has grouped together independent Claims 1 and 10, but has only addressed (provided citations to a portion of a particular reference) some of the specific limitations of Claims 1 and 10, while ignoring (NOT providing citations to a portion of a particular reference) other specific limitations of Claims 1 and 10. For example, the Examiner’s rejection of Claims 1 and 10 starts on page 3 and then resumes on page 5, finally concluding on pages 7-8.

However, while the rejection of Claims 1 and 10 spans across all of these pages, such argument completely fails to mention the step of/means for “receiving a message to configure

said physical port for use with said network”. For example, while this limitation is the first limitation recited in the respective bodies of Claims 1 and 10, the rejection set forth by the Examiner on page 3 jumps from the preambles of Claims 1 and 10 to the second element of Claims 1 and 10, without even mentioning the above recited receiving step, let alone providing a citation to any of the references regarding the same. When the Examiner resumes his rejection on page 5, the Examiner simply states “Awadallah et al. disclose all the subject matter of the claimed invention with the exception of whereby the WAN/LAN port manager selectively controls coupling to the LAN or WN interface responsive to a configuration message as in claims 1 and 10-11”, and again omits reference to, or a citation for, the receiving step of Claims 1 and 10. The same omissions exist in the concluding part of the Examiner’s rejection set forth across pages 7-8.

Moreover, while the Examiner mentions, at page 3 of the Office Action, the second limitation recited in bodies of Claims 1 and 10, namely the step of/means for “associating, responsive to receiving said message, a set of mapping assignments for using said physical port to access said network”, the Examiner has not provided any citation (to any particular one or more of the references) for the second limitation anywhere in the Office Action.

Thus, without any correlation to the references as to where these specific limitations (the first and the second) of Claims 1 and 10 are disclosed therein, the rejection is deficient on its face, as it is well settled that “[t]o establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art” (MPEP §2143.03, citing *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)).

With respect to the second assertion made above (i.e., none of the cited references teach or suggest all of the recited limitations of Claims 1, 10, and 11), it is respectfully asserted that none of the cited references teach or suggest “wherein said implementing [step/means] **[responsive to associating the mapping assignments that, in turn, are responsive to receiving the message to configure the port]** selectively controls whether said physical port is coupled to the LAN interface or the WAN interface”, as respectively recited in Claims 1 and 10.

Further, it is respectfully asserted that none of the cited references teach or suggest “wherein said WAN/LAN port manager selectively controls whether each of said plurality of physical ports is coupled to said LAN interface or said WAN interface **responsive to a configuration message**”, as recited in Claim 11.

For example, Awadallah discloses the following at column 3, line 64 to column 4, line 8:

The QoS Proxy in such an embodiment **actively monitors all data packet traffic** in the branch office router **and performs two main tasks: handling port number mapping and swapping for high priority data packet traffic** between the branch office local area network (LAN) and the corporate wide area network (WAN) so as to use a range of reserved high priority ports for high priority traffic that employs dynamic ports assignment, and (2) reporting to the network administrator any data packets that either maliciously or unintentionally use reserved high priority ports so as to allow either re-assignment of high priority port numbers or modification of the offending application.

In further detail, Awadallah discloses the following at column 6, lines 17-18 and 21-28:

The QoS proxy 204 further includes Packet Classifier and Marker 206, Packet Decoder 207, Proxy Table Manager 208.... The Packet Classifier 206 intercepts all packets flowing between the IP stack 2202 and either of the network interfaces, LAN Interface 212 or WAN Interface 213. If a packet belongs to a protocol of interest, then it is processed further by Packet Decoder 207 or by the Proxy Table Manager 208 for appropriate port swap. Otherwise, it is forwarded immediately.

Moreover, Awadallah further discloses the following at column 4, lines 25-35:

Packet traffic needs to be classified into different types or flows such that admission control rules can be applied. Packets are assigned to different priority queues with port mappings performed in the QoS Proxy for data protocols employing dynamic port assignment, such as for H.323 protocol traffic. Users can specify to use one or a combination of the following criteria to classify data packet traffic: source IP address and port number, destination

IP address and port number, IP Type of Service (TOS) field. The classification criteria allow the OoS Proxy to focus on a particular field inside the packet header.

Thus, Awadallah does not disclose configuring a router to which goal the present claims are directed, but rather is directed to routing packet traffic based on the monitoring information in the headers of the packets. Hence, since Awadallah is performing routing based on information contained in the packet header, Awadallah does not disclose or even NEED to use a configuration message. That is, Awadallah does not disclose or even NEED the step of/means for receiving a message to configure said physical port for use with said network as recited in Claims 1 and 10, nor does Awadallah disclose or even NEED a WAN/LAN port manager for controlling whether each of said plurality of physical ports is coupled to said LAN interface or said WAN interface responsive to a configuration message as recited in Claim 11.

Stated another way, while Claims 1, 10, and 11 each involve “message to configure” and are, thus, directed to the router itself, Awadallah does NOT use packets directed to the router (as the router is neither a source nor a destination, but rather an intermediary device through which the packets pass on their to and/from the source and/or destination) as evidenced from his routing criteria that include a source and/or destination IP address.

The receipt of the message is part of a set of hierarchical limitations formed in Claims 1 and 10, wherein the set of mapping assignments are associated responsive to receiving the message, and further wherein the mapping assignments are implemented responsive to associating the mapping assignments.

Moreover, even assuming arguendo that the information included in the packets to be routed is considered a message, such message, as based on the mode of operation of the approach of Awadallah, would need to be generated for every single packet sent, in contrast to a configuration message which, as is inherent in its name, performs a one-time configuration (until a re-configuration is performed) and would, hence, be applicable to more than a single packet (in direct contrast to Awadallah).

Hence, Awadallah does not disclose a configuration message as recited in any of Claims 1, 10, and 11.

It is respectfully asserted that Pham does not cure the deficiencies of Awadallah, and is silent with respect to the above-recited limitations of Claims 1, 10, and 11.

For example, the Examiner has cited column 2, lines 40-60 of Pham regarding the configuration message recited in the above mentioned claims.

Column 2, lines 40-60 of Pham disclose the following:

Another example of a system for providing interprocess communication between different computer processes connected over a distributed network is the Process Activation and Message Support (PAMS) system for Digital Equipment Corp. This system generally allows processes to communicate with each other regardless of where the processes reside on a common network. Such processes may be located on a single CPU or spread across workstations, clusters, or local or wide area networks (LANs or WANs). The PAMs system manages all connections over the network and provides integration features so that processes on respective workstations, clusters and the like may communicate. In particular, the PAMs message processing system is a network layer which is implemented above other networks to transparently integrate new networks and events into a common message bus. Such a system enables network configuration to be monitored and message flow on the message bus to be monitored from a single point. The result is a common programming interface for all host environments to which the computer system is connected. Thus, all host environments appear the same to the user.

Initially, it is pointed out to the Examiner that while the preceding cited portion of Pham mentions LANs and WANs, the PAMs system is directed to communication between processes on a common network and, thus, only one of a LAN or a WAN would be involved, in contrast to the present invention as claimed in Claims 1, 10, and 11 which involve a device (a router) capable of concurrently interacting with both LANs and WANs as the recited router in these claims is so recited to include a LAN interface and a WAN interface and it is well known that routers are capable of concurrently communicating with both types of networks and not just one as disclosed with respect to the PAMs system. That

is, while Claims 1, 10, and 11 mention a port of a router for selective coupling to a LAN or WAN, such router is clearly capable of concurrently communicating with at least two networks and is not restricted to a common network as is the PAMs system disclosed in Pham. Given this inherent and prominent feature of a router of being able to concurrently communicate with two or more networks, the messaging system of PAMs is not applicable to these limitations of Claims 1, 10, and 11 and hence, at the least, Pham does not teach a message as recited in Claims 1, 10, and 11.

With respect to the third assertion made above (i.e., the combination of Awadallah and Pham to obtain the inventions of Claims 1, 10, and 11 results in a change in the principle of operation of any of Awadallah and Pham, which is a prohibition against a reference being used against a pending claim as provided in MPEP §2143.01), the following text of MPEP §2143.01 is provided:

If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959) (Claims were directed to an oil seal comprising a bore engaging portion with outwardly biased resilient spring fingers inserted in a resilient sealing member. The primary reference relied upon in a rejection based on a combination of references disclosed an oil seal wherein the bore engaging portion was reinforced by a cylindrical sheet metal casing. Patentee taught the device required rigidity for operation, whereas the claimed invention required resiliency. The court reversed the rejection holding the “suggested combination of references would require a substantial reconstruction and redesign of the elements shown in [the primary reference] as well as a change in the basic principle under which the [primary reference] construction was designed to operate.” 270 F.2d at 813, 123 USPQ at 352.).

Thus, in Awadallah, the principle of operation involves the use of information contained in the header of a packet to be routed (see Awadallah, col. 3, line 64 to col. 4, line 8).

In contrast, the PAMs system disclosed in Pham allegedly relies upon messages.

As argued above, the header information disclosed in Awadallah can never be a message.

Moreover, while Awadallah is concurrently applicable to different types of networks (e.g., LANs and WANs), Pham is explicitly limited to dealing with a SINGLE (COMMON) network.

Thus, modifying any of Awadallah and/or Pham would effectively change the principle or operation of either of these references, which is prohibited under MPEP §2143.01.

Accordingly, a combination of Awadallah and Pham is improper under MPEP §2143.01.

“To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art” (MPEP §2143.03, citing *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)). “If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious” (MPEP §2143.03, citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)).

Accordingly, Claims 1, 10, and 11 are patentably distinct and non-obvious over the cited references for at least the reasons set forth above.

Claims 2-9, 12, 14, and 16 depend from Claim 1 and thus include all the limitations of Claim 1. Claims 13, 15, and 17 depend from Claim 10 and thus include all the limitations of Claim 10. Accordingly, Claims 2-9, 12, 14, and 16 are patentably distinct and non-obvious over the cited references for at least the reasons set forth above with respect to Claim 1, and Claims 13, 15, and 17 are patentably distinct and non-obvious over the cited references for at least the reasons set forth above with respect to Claim 10.

Moreover, said dependent claims include patentable subject matter in and of themselves and are, thus, patentable distinct and non-obvious over the cited references in their own right. For example, it is respectfully asserted that none of the cited references, either taken singly or in combination, teach or suggest “wherein said message is created after detecting at least one hardware switch setting change”, as recited in Claim 8. The Examiner has not cited any part of Pham, despite generally asserting Pham against Claim 8 on page 6 of the current Office Action. Hence, the Examiner has not met his burden for setting a *prima*

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facie case against Claim 8. In any event, none of the cited references, including Pham, teach the limitations of Claim 8 (and hence, the believed reason for the lack of any citation thereto).

Thus, reconsideration of the rejections is respectfully requested.

In view of the foregoing, Applicants respectfully request that the rejection of the claims set forth in the Office Action of December 11, 2007 be withdrawn, that pending claims 1-17 be allowed, and that the case proceed to early issuance of Letters Patent in due course.

No fee is believed due with regard to the filing of this amendment. However, if a fee is due, please charge Deposit Account No. 07-0832.

Respectfully submitted,

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